



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT #2509

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2509 for a non-metallic mineral extraction operation conditioned upon Dane County Code of Ordinances Section 10.101(7)(d)2. and 10.103(15) and subject to the additional conditions listed below:

EFFECTIVE DATE OF PERMIT: March 24, 2021

Boundary Revised: May 11, 2021

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

Approximate Location: Northeast $\frac{1}{4}$ of Section 29 in the Town of Christiana

Legal Description of CUP boundaries: (see map below)

"A", 66 foot access

Part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20 and part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, all in Town 6 North, Range 12 East, Town of Christiana, Dane County, Wisconsin, described as follows: Commencing at the Southwest corner of Section 20; thence S89°57'54"E, 676.30 feet to the point of beginning; thence N00°22'54"E, 1331.49 feet to the North line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the centerline of County Highway B; thence S89°59'12"E along said line, 66.00 feet; thence S00°22'54"W, 1331.52 feet to the South line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence S00°53'54"E, 176.02 feet; thence S43°28'23"E, 409.55 feet to the point of curvature of a curve to the left, said curve having a central angle of 0°39'56" and a radius of 2713.53 feet, the long chord of which bears S43°48'13"E, 31.52 feet; thence Southeasterly along the arc of said curve, 31.52 feet; thence S01°05'30"E, 95.41 feet to the Northerly line of Interstate Highway 39/90 and the point of curvature of a curve to the right, said curve having a central angle of 2°06'11" and a radius of 2779.53 feet, the long chord of which bears N44°31'20"W, 102.02 feet; thence Northwesterly along the arc of said curve and Northerly line, 102.03 feet; thence N43°28'23"W along said Northerly line, 435.25 feet;

thence N00°53'54"W, 202.82 feet to the point of beginning. The above described containing 3.046 acres, being subject to a right of way for County Highway B across the Northerly 33 feet thereof.

"B"

A parcel of land located in NW 1/4 of the NE 1/4, the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4 of section 29, T 6 N, R 12 E, Town of Christiana Dane County, Wisconsin. Commencing the Northeast corner of said section 29; Thence S 02°03'11" E, 1314.59 feet, along the East line of said section 29 to point 104 as shown on Transportation Project Plat (TPP) NO: 1007-10-23-4.01, filed as Document #5219192, in the Dane County Register of Deeds Office, also being the point of beginning for said parcel; Thence continuing S 02°03'11" E, 373.75 feet; Thence S 88°59'23" W, 896.78 feet; thence Southwesterly along an arc of a curve to the left 315.21 feet with a radius of 734.00 feet and a chord that bears S 76°41'14" W, 312.79 feet; thence S49°21'10"W, 177.50 feet; thence Southwesterly along the arc of a curve to the left 351.04 feet with a radius of 709.00 feet and a chord that bears S36°12'33"W, 347.46 feet; thence N08°27'17"W, 1671.83 feet; thence Southeasterly along an arc of a curve to the left 1487.93 feet and a chord that bears S58°48'24"E. 1470.24 feet; thence S88°53'58"E, 294.00 feet; thence Southeasterly along an arc of a curve to the left 223.72 feet with a radius of 2719.93 feet and a chord that bears S82°29'46"E, 223.66 feet back to point 104 and the point of beginning for said parcel; Said parcel contains 27.29 acres more or less

"C"

Part of the SW ¼ of the NW ¼ of Section 29, Town 6 North, Range 12 East, Town of Christiana, Dane County, Wisconsin, described as follows:

Beginning at the Northwest corner of the SW ¼ of the NW ¼; thence N89°03'30"E along the North line of said ¼ - ¼, 243.00 feet; thence S02°03'11"E, 988.56 feet; thence S89°03'30"W, 243.00 feet to the West line of said ¼ - ¼; thence N02°03'11"W, 988.56 feet to the point of beginning. Containing 5.514 acres.

"D"

Part of the SE ¼ of the NE ¼ of Section 29, Town 6 North, Range 12 East, Town of Christiana, Dane County, Wisconsin, described as follows:

Commencing at the East ¼ corner of Section 29; thence N02°08'43"W along the East line of the SE ¼ of the NE ¼, 342.44 feet to the point of beginning; thence S89°15'48"W, 1274.63 feet; thence N02°03'11"W, 500.59 feet; thence N49°21'10"E, 90.71 feet to the point of curvature of a curve to the right, said curve having a central angle of 24°36'18" and a radius of 734.00 feet, the long cord of which bears N76°41'14"E, 312.79 feet; thence Northeasterly along the arc of said curve, 315.21 feet; thence N88°59'23"E, 896.78 feet to the East line of the SE ¼ of the NE ¼; thence S02°03'11"E along said line, 631.21 feet to the point of beginning. Containing 18.067 acres.

CONDITIONS:

- 1) Topsoil, or appropriate topsoil substitute as approved in a reclamation plan under Chapter 74, Dane County Code, from the area of operation shall be saved and stored on site for reclamation of the area. Topsoil or approved topsoil substitute must be returned to the top layer of fill resulting from reclamation.
- 2) The applicant shall submit an erosion control plan under Chapter 14, Dane County Code covering the entire CUP area for the duration of operations, and receive approval of an

erosion control permit prior to commencing extraction operations.

- 3) Operations shall cease no later than ten (10) years from the permit effective date.
- 4) Reclamation shall meet all requirements of Chapter 74 of the Dane County Code of Ordinances. In addition, all reclamation plans must meet the following standards:
 - a) Final land uses after reclamation must be consistent with any applicable town comprehensive plan, the Dane County Comprehensive Plan and the Dane County Farmland Preservation Plan.
 - b) Final slopes shall not be graded more than 3:1 except in a quarry operation.
 - c) The area shall be covered with topsoil and seeded to prevent erosion.
 - d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County.
- e) Highwalls shall be free from falling debris, be benched at the top, and certified by a civil engineer to be stable.
- 5) The entire driveway must be blacktopped within two years. Crushed asphalt must be placed on the driveway immediately and watered at least twice weekly during the first year.
- 6) The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
- 7) The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
- 8) All surface and subsurface operations shall be setback a minimum of 20' from any property line that does not abut a public right of way.
- 9) Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under s. 10.102(9). The committee and town board may require greater setbacks where necessary to avoid subsidence, or for consistency with Chapters 11, 14, 17 or 74, Dane County Code.
- 10) Hours of operation shall be 6:30 a.m. to 5:30 p.m. Monday through Friday, and 6:30 a.m. to 3:30 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays. Blasting shall be limited to 8:00 a.m. to 4:00 p.m. on weekdays.
- 11) A safety fence shall be placed around the perimeter of the extraction area that contains high walls and/or steep slopes.
- 12) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.
- 13) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
- 14) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076, Wisconsin Administrative Code.
- 15) Dane County and the Town shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
- 16) Blasting:
 - a) All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.
 - b) Fly rock shall be contained within the permitted mineral extraction area.
 - c) A 72-hour notice shall be made prior to blasting to all residences/businesses within a one-half mile radius of the property, as well as to any parties who have requested notification either via mail or email as well as to the Town of Christiana.
 - d) The Town of Christiana and up to three neighbors shall receive a report and a seismograph reading from each blast.
- 17) Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code,

including provisions for secondary spill containment.

- 18) Mineral extraction at or near groundwater. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 19) In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.
- 20) This Conditional Use Permit (#2509) for mineral extraction is for the operator Forever Sandfill & Limestone and is not transferable to any other operator.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220 (1).

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this Conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance. See condition #3.

